

UNITED STATES PATENT AND TRADEMARK OFFICE

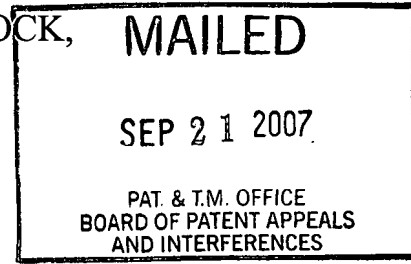
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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte TIMOTHY M. MORRIS, WAYNE R. SPOCK,  
PETER GERARD SMITH,  
MATTHEW J. SCHRYVER,  
RONALD S. WALTHER,  
ROBERT L. GUKEISEN, and  
EDWARD T. HAGAMAN

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Application No. 10/694,645

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on September 13, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

**EXAMINER'S ANSWER**

**Evidence Relied Upon**

The Examiner's Answer mailed April 4, 2006, is defective. The appendix

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heading “Evidence Relied Upon” (section 8, pg. 3) the Examiner indicates “[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal.”

In accordance with MPEP § 1207.02, the “Evidence Relied Upon” (section 8) should include:

(8) Evidence Relied Upon

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

In addition, on page 3, under the heading “Grounds of Rejection” section (9) is improper. According to MPEP 1207.02 stated in part:

**Grounds of Rejection.** For each ground of rejection \*\*>maintained by the examiner and each new ground of rejection (if any), an explanation of the ground of rejection.

The Examiner has set forth the statement of rejections but the body of rejections explaining said statement of rejections is missing. Appropriate correction is required.

Lastly, the required headings “Related Proceeding Appendix (11) is missing from the Examiner’s Answer. See the Manual of Patent Examining Procedure (MPEP) 1207.02. Appropriate correction is required.

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Accordingly, it is

**ORDERED** that the application is returned to the Examiner to:

1) vacate the Examiner's Answer mail April 4, 2006, and issue a revised Examiner's Answer having the missing references listed under the Evidence Relied Upon section, heading (8) of the Examiner's Answer;

2) to include the body of the rejections for said statement of rejections; and

3) to include the heading Related Proceeding Appendix, heading (11) of the Examiner's Answer.

3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: Patrick J. Nolan  
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
(571) 272-9797

PJN/dal

BACHMAN & LAPOINTE, P.C.  
900 CHAPEL STREET  
SUITE 1201  
NEW HAVEN, CT 06510